

811 KAR 1:045. Entries.

RELATES TO: KRS 230.215, 230.260(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for entries.

Section 1. An entry shall:

- (1) Be made in writing or by telephone to the association racing secretary's office;
- (2) Include the following information pertinent to the entry:
 - (a) The name of the horse;
 - (b) The name of the trainer;
 - (c) The name of the driver; and
 - (d) The class of the race into which the horse is to be entered; and
- (3) Comply with the provisions of 811 KAR 1:055, Section 1 if the entry concerns an overnight event.

Section 2. Payment of Entry Fee. An entry fee shall be due and payable with declaration to start and shall not be refunded if the horse fails to start unless the horse dies between the time of declaration to start and the start of the race.

Section 3. Receipt of Entries for Early Closing Events, Late Closing Events, Stakes and Futurities. (1) An entry that is not received prior to the hour of closing shall be ineligible, except an entry by letter bearing postmark not later than the following day (omitting Sunday).

(a) If an entry or payment in a stake, futurity, or early closing race is payable on a Sunday or a legal holiday that falls on Saturday, the payment shall be due on the following Monday, and if made by mail the envelope shall be postmarked on or before the following Tuesday.

(b) If a payment is due on a Monday that is a legal holiday, the payment is due on Tuesday, and if made by mail shall be postmarked on or before the following Wednesday.

(2) Postage meter. If an entry is received by letter bearing the postage meter date without a postmark, the postage meter date shall be considered to be a postmark if the letter is received within seven (7) days following the closing date of the event. A letter received later than seven (7) days following the closing date of the event shall not be considered a valid entry or payment.

Section 4. Deviation from Published Conditions. An entry and payment not governed by published conditions shall be void and any deviation from published conditions shall be a violation of this administrative regulation. A nominator who is allowed privileges not in accordance with the published conditions of the race, or which are in conflict with the published conditions or with 811 KAR Chapter 1, shall be barred from receiving any portion of the purse, and any person who knowingly allows the privileges shall be in violation of this administrative regulation.

Section 5. (1) Ineligible Horse in a Stakes Race.

(a) A nominator shall be required to guarantee the identity and eligibility of entries and declarations. If a nominator provides incorrect information, winnings shall be forfeited and redistributed to eligible entries and the person who provided the information shall be in violation of this administrative regulation.

(b) A person who obtains a purse or money through fraud or error, with the exception of para-

graph (c) of this subsection, shall surrender or repay the proceeds upon demand. If the proceeds are not repaid upon demand, the horse that was the subject of the fraud or error, and all persons involved, shall be in violation of this administrative regulation and subject to suspension or revocation until repayment is made.

(c) If a horse is declared ineligible as a result of the negligence of the race secretary, the association shall reimburse the owner for the resultant loss of winnings.

(2) Ineligible horse drawn into overnight race. The trainer shall be responsible for entering the horse in the race for which it is eligible. If an ineligible horse deprives an eligible horse of the opportunity to run in a race the person responsible for the error shall be in violation of this administrative regulation.

Section 6. Transfer of Ineligible Horse. A horse entered in an event for which it is not eligible may be transferred to any event for which it is eligible at the same gait.

Section 7. Withholding Purse on Ineligible Horse. An association shall withhold the purse of a horse, with or without a formal protest, if the association receives information that the entry or declaration was fraudulent or ineligible.

Section 8. Agreement to Race Under Rule. An entry shall constitute an agreement that the horse to be entered and all persons associated with or having control of the horse shall abide by 811 KAR Chapter 1.

Section 9. Early Closing Events and Late Closing Races. (1) Date and place. The sponsor shall state the place and date the event will be raced and no change in date, program, events, or conditions shall be made after the nominations have been taken without the written consent of the owners or trainers of all horses eligible at the time the conditions are changed.

(2) Filing conditions. An entry blank shall be filed with the Authority.

(3) Payments on the 15th of the month. Nominations and payments other than starting fees in early closing events shall be advertised to fall on the 15th day of the month.

(4) List of nominations. A complete list of nominations to any late closing race or early closing event shall be made available within twenty (20) days after the date of closing to each nominator and the Authority.

(5) Procedure if event does not fill. If the event does not fill, each nominator and the Authority shall be notified within ten (10) days and refund of nomination fees shall accompany the notice.

(6) Transfer provisions for change of gait.

(a) The following conditions shall govern transfers if there is a change of gait, unless the association makes available to the Authority, at least thirty (30) days prior to the first publication, its early closing conditions and receives the approval of the Authority for those conditions:

1. If a condition published for early closing events allows transfer for change of gait, the transfer shall be to the slowest class for which the horse is eligible, and eligibility shall be determined at time of closing of entries.

2. The race to which transfer may be made shall be the race nearest in time to the date of the event for which the horse was originally entered.

(b) A two (2) year old, three (3) year old, or four (4) year old entered in a class that corresponds to its age group shall be permitted to transfer only to a class for the same age group at the adopted gait, and the race to which the horse transfers shall be the race nearest in time to the date of the original event. If transfer is made, entry fees shall be so adjusted.

Section 10. Subsequent Payments; List of Eligibles. If subsequent payments are required by

the published conditions, a complete list of those horses withdrawn or declared out shall be made within fifteen (15) days after the payment was due and the list has been made available to each nominator and the Authority.

Section 11. Trust Funds. Fees paid in early closing events shall be segregated and held as trust funds until the event is contested.

Section 12. Early Closing Events by New Track. An early closing event at a pari-mutuel meeting shall not be advertised, nor shall nominations be taken for an early closing event, until the event has been approved by the Authority. An association accepting nominations to early closing races, late closing races, stakes, or futurities shall provide stable space to a horse nominated and eligible to the event the day before, the day of, and the day after the race.

Section 13. Limitation on Conditions. Conditions of an early closing event or a late closing race shall not add a horse that has not been nominated to an event or eliminate an already nominated horse from an event by reason of the performance of the horse at an earlier meeting during the same season, and conditions purporting to do so shall be considered to be invalid. An early closing event or a late closing event shall not have more than two (2) also eligible conditions.

Section 15. In early closing races, late closing races, and overnight races requiring entry fees, all monies paid in by the nominators in excess of eighty-five (85) percent of the advertised purse shall be added to the advertised purse and the total shall then be considered to be the advertised purse. In addition to adding excess entry fees as provided in this section, the sponsor shall add at least fifteen (15) percent to the advertised purses of late closing races and overnight races. Fifteen (15) percent of all monies paid in by the nominators shall be added to all early closing races by the sponsor.

Section 16. Penalties. A person or association that violates any of the provisions of this administrative regulation shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1). (KTC 1-8 (Rule 12); 1 Ky.R. 1106; eff. 6-11-75; Am. 4 Ky.R. 238; eff. 5-3-78; 33 Ky.R. 933; 3194; eff. 5-4-2007.)